

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

RALEIGH-DURHAM AIRPORT)
AUTHORITY (a/k/a RALEIGH DURHAM)
INTERNATIONAL AIRPORT),)
)

Plaintiffs,)
)

v.)
)

WARD TRANSFORMER COMPANY,)
INC., BBC I, LLC; THE STATE OF)
NORTH CAROLINA; PROGRESS)
ENERGY, INC. (d/b/a CAROLINA POWER)
& LIGHT COMPANY); THE UNITED)
STATES OF AMERICA; THE UNITED)
STATES ENVIRONMENTAL)
PROTECTION AGENCY; UNKNOWN)
PERSONAL REPRESENTATIVES, HEIRS,)
AND DEVISEES OF ROBERT E. WARD,)
JR., AND WIFE, VIRGINIA P. WARD;)
WAKE COUNTY DEPARTMENT OF TAX)
ADMINISTRATION, and YOUNG)
MOORE AND HENDERSON, P.A.,)
)

Defendants.)
)

Civil Action No.: 5:19-CV-304-D

**ORDER TO TRANSFER
DEPOSITED FUNDS
PURSUANT TO RULES 67
AND 71.1 AND FOR
SPECIFIED INITIAL
PARTIAL DISBURSEMENT
FOR AD VALOREM TAXES**

This matter is before the Court on an unopposed Motion to Transfer Funds pursuant to Rules 67 and 71.1 of the Federal Rules of Civil procedure. The Court has carefully considered the motion, which is unopposed, and in exercise of its discretion **GRANTS** the same.


IT IS HEREBY ORDERED that the Wake County, North Carolina, Superior Court shall transfer the \$2,935,200 funds, and any accrued interest, previously

deposited by the Plaintiff in the removed state court action, *Raleigh-Durham Airport Authority v. Ward Transformer Company, Inc., et al.*, Case No. 19 CV 8659, (the "Condemnation Deposit") to the United States District Court for the Eastern District of North Carolina within 10 days or as soon as practical, based upon the proper removal of this action on July 23, 2019, pursuant to Federal Rules of Civil Procedure 67 and 71.1.

AND IT IS FURTHER ORDERED that the Clerk of Court for the United States District Court for the Eastern District of North Carolina shall receive and deposit the Condemnation Deposit and shall permit the same to be disbursed or withdrawn only in accordance with 28 U.S.C. §§ 2041 and 2042 and the further orders of this Court.

AND IT IS FURTHER ORDERED that the Clerk of Court for the United States District Court for the Eastern District of North Carolina shall, upon receipt of the Condemnation Deposit and satisfactory completion of documentation necessary to effectuate the transfer, make a partial disbursement in the amount of \$32,648.42, in satisfaction of Wake County Department of Tax Administration's ad valorem property tax liens against the subject properties, payable as follows: Wake County Department of Tax Administration, c/o Wake County Attorney's Office, Post Office Box 550, Raleigh, North Carolina 27602.

SO ORDERED, this 7 day of December 2019.



JAMES C. DEVER III
United States District Judge